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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-eighth year

Letter dated 26 August 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you by Mrs. Margit Savovic, Federal Minister for Human and Minority Rights of the Federal Republic of Yugoslavia (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under item 115 (c) of the provisional agenda, and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

* A/48/150 and Corr.1.

ANNEX

Letter from the Federal Minister for Human and Minority Rights of Yugoslavia to the Secretary-General

The Federal Ministry for Human and Minority Rights of the Federal Republic of Yugoslavia considers that the allegations contained in the letter of the Chargé d'affaires a.i. of the Permanent Mission of the Republic of Croatia to the United Nations addressed to you on 5 August 1993 (A/48/295-S/26249), are ill-intentioned as they project a distorted picture of the situation in the town of Hrtkovci and in the Autonomous Province of Vojvodina as a whole.

Even though it is true that a number of Croats moved out from Hrtkovci (around 45 families), in most cases it was not due to "a policy of verbal and physical harassment, as well as other forms of intimidation, by Serbian paramilitary groups". Instead, those persons have legally exchanged their immovable property with persons of Serb nationality from different places in Croatia. It should be noted that they have been enabled to take all their movable property and possessions from the Federal Republic of Yugoslavia, which was not the case with the Serbs leaving Croatia.

Although the majority of Croats have left of their own free will, there were some cases of forced displacement. Namely, from May to September 1992, in the town of Hrtkovci and other places in Vojvodina, some persons of Croatian origin were under pressure to leave and subjected to harassment, threatening phone calls, forceful entry into their apartments and other forms of intimidation and violation of their property rights.

The cause and scope of those events, in addition to the polarization of the population on the basis of nationality brought about by the war conflicts and the ensuing divisions, have additionally been accentuated by a substantial number of Serbian refugees from Bosnia and Herzegovina and Croatia, whose homes have been destroyed or who have been expelled by the Croatian and Muslim authorities.

By energetic joint action of the competent federal and republic authorities, such developments have been averted and as early as September 1992 not one case of forcible entry into the homes of the Croats in Vojvodina has been registered. Likewise, according to the information of the Ministry of the Interior, there was not a single instance of forcible expulsion from the territory of Vojvodina.

The perpetrators of the murder of Milan Stefanac have been identified, detained and convicted in criminal proceedings. Criminal charges and proceedings have been instituted against persons charged with the criminal act of violating freedoms and rights of citizens belonging to other nations, nationalities or ethnic groups, threatening their safety, etc.

Margit SAVOVIC
Federal Minister for Human and
Minority Rights

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FURTHER REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 7 OF RESOLUTION 840 (1993)

1. In response to paragraph 7 of its resolution 840 (1993) of 15 June 1993, I submitted a report to the Security Council on 16 July 1993 (S/26090), which contained recommendations on the possible role the United Nations and its agencies might play after the end of the mandate of the United Nations Transitional Authority in Cambodia (UNTAC) according to the Paris Agreements (S/23177, annex).

2. In addition to describing in that report developments since the elections of 23-28 May 1993 in Cambodia and the UNTAC withdrawal plan, I outlined preparations for the post-UNTAC period which is about to begin (paras. 34-39). In a letter dated 26 July (S/26150), the President of the Council informed me that the members endorsed the overall concept and arrangements concerning UNTAC's withdrawal and that they would continue their consideration of the remainder of the report.

3. In the light of further developments in Cambodia since the submission of my last report, I am now in a position to inform the Council in greater detail concerning my recommendations on the functions of a United Nations presence following the end of the mandate of UNTAC.

I. DEVELOPMENTS SINCE THE LAST REPORT

4. The drafting of a new Cambodian Constitution has been proceeding since the Constituent Assembly held its inaugural meeting on 14 June 1993. At the request of the Interim Joint Administration, UNTAC has provided technical comments on the draft Constitution, which is now approaching completion. Most of UNTAC's comments are aimed at strengthening the human rights-related provisions of the draft in accordance with annex 5 of the Paris Agreement. Agreement has now been reached on about 120 articles of the draft Constitution, which is to be presented to Prince Sihanouk at the end of August 1993 and then to the plenary of the Constituent Assembly. However, two major questions remain to be resolved: the status of the head of State and the post of the prime minister. It is understood that the constitutional drafting committee will make firm recommendations on these questions to Prince Sihanouk.

5. For several weeks the military situation was generally calm. However, following military activities by the National Army of Democratic Kampuchea (NADK) in the north and west, the Cambodian Armed Forces (CAF), a body comprising officers and men from the armies of the former State of Cambodia Party (SOC), the Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif (FUNCINPEC) and the Khmer People's National Liberation Front (KPNLF), launched a military operation in Banteay Meanchey Province in mid-August. CAF surrounded a number of NADK strongholds and has overrun one of them at Phum Chat, on the Thai border. Few casualties on either side have been reported. CAF has also disarmed villagers in the area and has confiscated some 1,500 weapons. CAF movements have also been reported in Kompong Thom and Siem Reap Provinces.

6. The military operation in Banteay Meanchey has resulted in the displacement or forced removal of several hundred villagers, including about 1,200 who have reportedly crossed into Thailand. The Office of the United Nations High Commissioner for Refugees (UNHCR) will coordinate humanitarian assistance to the displaced persons.

7. In an incident involving UNTAC, on 1 August 1993, NADK troops attacked with mortar fire the UNTAC checkpoint at CT-1 near the border with Thailand in Choam Khsan, Preah Vihear Province. The 21 UNTAC personnel left the checkpoint and were briefly detained by NADK, after which they were released unharmed.

8. Widespread banditry remained a security threat. On 2 August 1993 a band of 100 armed men attacked a train in Kampot Province, killing 14 passengers and injuring 35 more. They then looted the train. UNTAC civilian police, military observers and the French battalion provided emergency medical and other assistance. Investigations subsequently indicated that elements of NADK were responsible. NADK is also allegedly responsible for another attack on a train on 15 August in Kompong Chhnang Province, in which two Cambodians were killed and five injured.

9. On 4 August, my Special Representative wrote to Mr. Khieu Samphan, President of the Party of Democratic Kampuchea (PDK), complaining about the harsh tone and racist content of that Party's radio broadcasts directed against ethnic Vietnamese residents, but Mr. Khieu Samphan has rejected these complaints. UNTAC has made it clear to the Cambodian authorities that they are obliged to provide adequate protection to ethnic minorities.

10. UNTAC civilian police are investigating the murder of six ethnic Vietnamese persons in Kompong Chhnang on 10 August. Preliminary investigations indicate that NADK was responsible for the killings. On 13 August, armed men abducted a group of ethnic Vietnamese children and later released them unharmed for ransom.

11. Since my last report was submitted to the Security Council, it has become increasingly clear that highly organized criminal gangs have been stealing UNTAC vehicles, sometimes at gunpoint. Some 140 vehicles have been stolen since mid-June. In one incident on 9 August, an UNTAC Provincial Director was briefly abducted by armed men, who robbed him and attempted to steal his vehicle. He managed to escape without injury. Recently UNTAC has recovered two stolen UNTAC vehicles that were found in the possession of senior military officers of the former Cambodian People's Armed Forces (CPAF). My Special Representative has

brought these matters to the attention of the Interim Joint Administration at the highest level as a matter of urgency, and the two Co-Presidents have agreed to cooperate closely with UNTAC in preventing and punishing such crimes.

II. UNTAC WITHDRAWAL

12. The withdrawal of the UNTAC Military Component has been proceeding smoothly in accordance with the timetable set out in paragraph 12 of document S/26090. On 2 August 1993, the first units of the Bulgarian, Tunisian and Uruguayan battalions left Cambodia by sea or air. By 15 August, all personnel from those three infantry battalions, as well as the Indian forward field hospital, had been withdrawn from the Provinces of Kompong Speu, Kandal, Pursat, Kompong Chhnang, Stung Treng, Mondol Kiri, Ratana Kiri and Kratie. Simultaneously, the French, Malaysian and Indian battalions extended their respective areas of operation to cover those provinces. The next stage of the withdrawal, during which the Bangladesh battalion will withdraw from Siem Reap Province and be replaced by the Netherlands battalion, is about to begin. The rest of the plan will then be carried out as described in paragraphs 14 to 16 of document S/26090 and the withdrawal of the Military Component is expected to be completed by 15 November 1993.

13. The timetable for the withdrawal of the Civilian Police Component is contained in paragraphs 17 to 19 of document S/26090. In accordance with that plan, approximately 2,000 officers had already been repatriated by 15 August; of those remaining, about 500 are due to leave Cambodia by 31 August and the remaining 1,000 will depart during the month of September. The withdrawal has been accomplished in an orderly manner and without incident.

14. The withdrawal of the remaining staff of the other civilian components is also proceeding with a view to concluding UNTAC's operational activities by the formal end of its mandate. As indicated in document S/26090 (paras. 21 and 37), there will be a post-UNTAC United Nations presence in Cambodia in the field of human rights (see also paras. 27-29 below) and the remaining staff of the Human Rights Component will remain active until the new office takes over at the end of UNTAC's mandate.

15. With the exception of the Director of the Electoral Component and his immediate staff, who remain on hand to assist the Constituent Assembly as required with advice about constitutional and related matters, the entire staff of the Electoral Component has now left Cambodia.

16. The Civil Administration Component will maintain a relatively strong presence during the remainder of the transitional period. As of 15 August 1993, a total of 56 international staff of this component remained in the provincial offices, with a further 40 staff in Phnom Penh (UNTAC headquarters and Phnom Penh provincial office). A further 17 Civil Administration staff are engaged in border control at the checkpoints, making a total of 113 throughout the country. These figures do not include the staff responsible for civil administration control functions in the fields of information and finance, which are exercised by the Information/Education Division and the Office of the Economic Adviser respectively.

17. The chief purpose of keeping a small staff in each of the provinces at this point is to maintain an UNTAC presence for confidence-building purposes and to render technical assistance to the Interim Joint Administration, if required, during the remainder of the transitional period and to retain a provincial framework to facilitate a transition to post-UNTAC efforts in human rights and rehabilitation. However, it is not anticipated that any civilian staff will remain in the provinces following the withdrawal of the Military Component. Provincial staff will therefore continue to be withdrawn from the provinces.

18. As indicated in paragraph 32 of document S/26090, about 20 staff of the Information/Education Division left Cambodia at the end of July. The remaining 25 members of the Division will continue to produce radio programmes on human rights education and reconstruction and development, which will be broadcast until the end of UNTAC's mandate.

19. As of late August, 23 staff in the Office of Economic Affairs, which includes the Rehabilitation Component, out of an original 30 still remained in Cambodia, with 8 more due to leave by the end of August and the remaining 15 expected to stay at least until mid-September. Post-UNTAC rehabilitation activities are described in paragraphs 22 and 23 below.

20. My Special Representative has met twice with the Co-Presidents of the Interim Joint Administration to discuss the disposal of UNTAC assets. In accordance with the views of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), UNTAC will extract as much equipment as possible for use in other missions. However, some equipment and installations are of great value to the incoming Cambodian Government. The dismantling of such equipment would have an immediate negative impact on the development and rehabilitation of the country. Efforts are therefore under way to find buyers for this equipment who would be prepared to donate it to the Government.

III. PREPARATIONS FOR THE POST-UNTAC PERIOD

21. The activities that are expected to be carried on by the United Nations in Cambodia after the departure of UNTAC - rehabilitation, mine clearance, human rights protection, the reintegration of refugees and displaced persons and the humanitarian and technical work of United Nations agencies - can contribute significantly to the consolidation of peace in Cambodia. It is important, in my view, to ensure that these activities are coordinated and integrated in such a way as to enhance their effectiveness while taking full account of the sovereign wishes of the new Cambodian Government.

22. Rehabilitation will continue after UNTAC's departure. As of mid-August, approximately $200 million has been disbursed of the $880 million pledged at the Ministerial Conference in Tokyo in June 1992. Despite the widespread rebuilding of roads, bridges and other infrastructural installations by UNTAC military engineers over the past 18 months and the major upgrading of Cambodia's airports and communications facilities undertaken as part of the mission, massive reconstruction is still required throughout the country.

23. Even as UNTAC prepares to depart, urgent measures must be taken to assist the incoming Cambodian Government to meet a number of pressing needs in the

first six months of its existence and beyond. These requirements, which will be discussed at the meeting of the International Committee on Reconstruction of Cambodia to be held in Paris on 8 and 9 September 1993, include budgetary support, public administration reform, mine clearance, resettlement and reintegration of displaced persons, agriculture, social services including health care and education, maintenance of public utilities and repair of the transportation system and infrastructure. The post-UNTAC presence in the rehabilitation field will need to assist the new Government in formulating its needs and presenting them to the international community. As a first step, my Special Representative has asked the Co-Presidents of the Interim Joint Administration to draw up a list of their most immediate requirements.

24. The Governing Council of the Cambodian Mine Action Centre (see S/25124, para. 83), is due to meet before the end of August 1993 to extend its mandate, which otherwise would expire with the mandate of UNTAC. Once the new Cambodian Government is established, consultations will take place between it and the United Nations on the future status of the Centre, as well as the relationship of the United Nations and its agencies with it. For the foreseeable future, I believe that United Nations involvement in the Centre will be desirable.

25. Since the establishment of UNTAC, more than 4 million square metres have been cleared of mines and about 37,000 mines and other unexploded ordnance destroyed. Some 2,330 Cambodians have been trained in mine-clearance techniques, of whom about 1,400 are currently employed. These figures include the work done by non-governmental organizations, including Halo Trust, Norwegian People's Aid, Mine Action Group and Handicap International.

26. Mine clearance by its very nature is a risky and painstaking task, and initial progress was slow. However, the experience gained over the past few months has led to a significant acceleration in the rate of mine clearance. The Cambodian Mine Action Centre is now operating effectively and, in order to maintain that momentum it is necessary to ensure adequate funding on the basis of a reliable corporate structure. I therefore intend to maintain the United Nations Trust Fund for Demining Programmes in Cambodia until alternative funding arrangements can be made that are acceptable to donors, in consultation with the new Cambodian Government.

27. Article 17 of the Paris Agreements provides that, after the end of the transitional period, the United Nations Commission on Human Rights should continue to monitor closely the human rights situation in Cambodia, including, if necessary, by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly.

28. On 19 February 1993, the Commission adopted resolution 1993/6 on the situation of human rights in Cambodia, in which it recognized that Cambodia's tragic recent history required special measures to assure the protection of human rights and the non-return to the policies and practices of the past. The Commission requested the Secretary-General to ensure a continued United Nations human rights presence in Cambodia after the expiry of the mandate of UNTAC, including through the operational presence of the Centre for Human Rights, and to appoint a Special Representative for Human Rights. The functions of the Centre and of the Special Representative are enumerated in the resolution. The resolution also requested the Secretary-General to provide appropriate

additional resources, within existing overall United Nations resources, to fund the operational presence of the Centre for Human Rights within the framework of other United Nations activities in Cambodia after the expiry of the UNTAC mandate.

29. The Centre for Human Rights is scheduled to establish its operational presence in Phnom Penh upon the termination of the UNTAC mandate, with a total of 23 international and local staff, drawn in part from the existing staff of the UNTAC Human Rights Component. However, since funding for such presence has yet to be approved by the General Assembly and UNTAC funding for human rights operations will cease upon the termination of the mission's mandate, provision will have to be made to ensure the Centre's functioning until General Assembly-approved funding becomes available.

IV. OBSERVATIONS

30. As the operation of UNTAC nears its end, I believe the international community can take satisfaction in the fact that, despite serious difficulties, UNTAC was able to accomplish its central task of holding a free and fair election in Cambodia and laying a sound foundation for the people of Cambodia to build a stable and peaceful future. Developments since the election have also been encouraging. The Constituent Assembly is expected shortly to adopt the new Constitution and establish the new Government in accordance with its provisions and those of the Paris Agreements. UNTAC's formal mandate will then come to an end, leaving the task of orderly and speedy withdrawal to be completed. In view of the need to allow sufficient time for the approval of the Constitution and the emergence of the new Government, I propose that the Security Council extend the mandate of UNTAC until 15 September 1993 and that it be ready to consider a brief further extension if the new Government has not been formally established by that date.

31. After UNTAC's mandate ends, the people and the new Government of Cambodia will require continued international support in order to safeguard the fruits of the tremendous effort and resources that the international community has already devoted to the cause of Cambodia. I have outlined in the present report the kinds of activities that the United Nations and its agencies are ready to undertake and the assistance they will be able to provide in response to the new Government's requirements.

32. As stated in paragraph 38 of my report of 16 July 1993 (S/26090), the suggestion that the United Nations should maintain a small military presence in Cambodia following the withdrawal of UNTAC has been raised from time to time. At this stage I have decided not to recommend that the Security Council authorize the retention of United Nations military personnel in Cambodia after UNTAC leaves. UNTAC will soon have carried out all parts of its mandate that proved to be practicable and I believe that, in accordance with previous practice in such cases, the correct course is to terminate the United Nations military presence and concentrate the resources available on civilian activities in support of peace-building in the new Cambodia that UNTAC has helped to bring about. If the new Government were to request a post-UNTAC military presence, with a clear indication of the tasks it would be expected to perform, I would of course give careful consideration to such a request and submit a report to the

Security Council on the feasibility of the tasks proposed and the resources that would be required to carry them out.

33. As already indicated in paragraph 39 of my report of 16 July, it is my intention to establish in Phnom Penh an integrated office along the lines described in my report of 20 July 1993 to the General Assembly (A/48/146/Add.1). The primary function of the United Nations Representative who will head that Office will be to coordinate, in close consultation with the Cambodian Government, the full range of civilian activities that will be undertaken by various agencies of the United Nations system, in accordance with their existing mandates, to promote development, provide humanitarian assistance and foster respect for human rights in Cambodia. In addition, the Office will, during the period immediately following the establishment of the new Government, need to deal with a number of residual issues arising from the Paris Agreements and UNTAC's presence in the country.